

University of Illinois System
Victims Economic Security and Safety Act (VESSA) Policy
Effective June 25, 2004 by approval of the Board of Trustees
Revised January 21, 2010
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Revised March 28, 2024

In accordance with the Illinois Victims Economic Security and Safety Act (VESSA) of 2003 (Public Act 93-0591, 820 ILCS 180), and as amended in 2009, 2021, and 2023 by the Illinois General Assembly, leave shall be granted to an employee who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence, or who have a family or household members who are a victims of such violence. All employees in active status are allowed to take up to twelve (12) weeks of unpaid leave per any twelve (12) month period to seek medical help, legal assistance, counseling, safety planning, and other assistance. VESSA leave also allows employees unpaid leave to attend the funeral, make arrangements, or grieve a family or household member who is killed in a crime of violence.

VESSA Definitions

"Crime of violence" means any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal Code of 2012 or a similar provision of the Criminal Code of 1961, in addition to conduct proscribed by Articles of the Criminal Code of 2012 referenced in other definitions in the VESSA legislation.

"Family or household member", for employees with a family or household member who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence, means a spouse or party to a civil union, parent, grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee, and persons jointly residing in the same household.

"Domestic violence, sexual violence, or gender violence" means domestic violence, sexual assault, or stalking.

"Domestic violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986 by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986. Section 103 of the Illinois Domestic Violence Act of 1986 defines the following:

- "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
- "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012.

For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" include any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

"Gender violence" means:

- One or more acts of violence or aggression satisfying the elements of any criminal offense under the laws of this State that are committed, at least in part, on the basis of a person's actual or perceived sex or gender, regardless of whether the acts resulted in criminal charges, prosecution, or conviction; or
- A physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of any criminal offense under the laws of this State, regardless of whether the intrusion or invasion resulted in criminal charges, prosecution, or conviction; or
- A threat of an act described above causing a realistic apprehension that the originator of the threat will commit the act.

"Sexual assault" means any conduct proscribed by:

- Article 11 of the Criminal Code of 2012 except Sections 11-35 and 11-45;
- Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or
- A similar provision of the Criminal Code of 1961.
- "Stalking" means any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

Entitlement to Leave/Eligibility

All employees in active status at the University are eligible for up to twelve (12) weeks of VESSA leave in a twelve (12) month period for the following reasons.

- (1) To seek medical attention for, or and recovering from physical or psychological injuries caused by domestic violence, sexual violence, gender violence, or any other crime of violence to the employee or the employee's family or household member.
- (2) To obtain victim's services from a victim services organization for the employee or the employee's family or household member.
- (3) To obtain psychological or other counseling for the employee or the employee's family or household member.
- (4) To participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employe or the employee's family or household member from future domestic violence, sexual violence, gender violence, or any other crime of violence or ensure economic security.

- (5) To seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from domestic violence, sexual violence, gender violence, or any other crime of violence.

All employees at the University are eligible for two (2) weeks of VESSA leave in a twelve (12) month period for the following reasons.

- (6) To attend the funeral or alternative to a funeral or wake of a family or household member who is killed in a crime of violence.
- (7) To make arrangements necessitated by the death of a family or household member who is killed in a crime of violence.
- (8) To grieve the death of a family or household member who is killed in a crime of violence.

Length of Leave

For Eligibility Reasons 1, 2, 3, 4, or 5, employees are entitled up to twelve (12) workweeks of VESSA leave during each consecutive twelve (12) month period for which eligibility criteria have been met. The initial twelve (12) month period is measured forward from the date the employee first takes VESSA leave. The next twelve (12) month period begins the first time VESSA leave is taken after completion of any previous twelve (12) month period.

For Eligibility Reasons 6, 7, or 8, employees are entitled up to two (2) workweeks (ten (10) workdays) of VESSA leave which must be completed within sixty (60) days after the date of which the employee receives notice of the death of the family or household member.

The initial twelve (12) month period is measured forward from the date the employee first takes VESSA leave. The next twelve (12) month period begins the first time VESSA leave is taken after completion of any previous twelve (12) month period. This Act does not create a right for the employee to take a leave that exceeds the leave time allowed under, or in addition to, the leave time permitted by the Family and Medical Leave Act (FMLA). For employees on VESSA leave who are also eligible for FMLA leave, VESSA leave is not in addition to the twelve (12) week FMLA entitlement when the reason for VESSA leave also qualifies under FMLA but depletes the twelve (12) week FMLA entitlement when used. An employee who may have exhausted all available leave under FMLA, for a purpose other than that which is available under VESSA, remains eligible for leave under VESSA.

Leave under VESSA may be taken all at one time or on an intermittent or reduced leave schedule. Under such conditions, the employee may be required to transfer temporarily to an available alternative position with equivalent pay and benefits if the transfer better accommodates recurring periods of leave.

"Intermittent leave" is leave taken in separate blocks of time and may include periods from less than one hour to several weeks.

A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday.

The workweeks of VESSA leave to which eligible employees are entitled shall be based on the number of hours in the employee’s normal workweek schedule at the percentage of the employee’s appointment. (For example, if an employee is eligible for twelve (12) weeks of VESSA leave and has a sixty-four (64) percent-time appointment and is scheduled to work twenty-four (24) hours per week, they would be entitled to leave for twelve (12) twenty-four (24) hour workweeks or 288 hours.) Only the amount of leave actually taken may be counted toward the VESSA leave to which an employee is entitled. Taking leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

Academic and Exempt Civil Service employees report VESSA leave in fifteen (15) minute increments of time (paid or unpaid). Non-Exempt Civil Service employees report VESSA leave in one-tenth (1/10th) of an hour increment or six (6) minutes (paid or unpaid). VESSA leave balances shall not accrue or carry over to the next twelve (12) month period.

An eligible employee on a flex-year or seasonal leave appointment shall be entitled to leave during those periods when they are expected to furnish regular service to the University of Illinois.

Notice of Leave

The employee shall provide the supervisor with at least forty-eight (48) hours’ notice in advance, unless providing such notice is not practicable. An employee’s failure to provide required certification within fifteen (15) calendar days may result in delay or denial of leave. If the leave is for planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the unit and Family and Medical Leave (FMLA) would apply. When an unscheduled absence occurs, the employer may not take action against the employee if the employee, upon request of the employer and within a reasonable period of time, provides certification.

VESSA Application, Approval, and Documentation

The VESSA application is considered a sworn statement. By completing the VESSA application, the employee is certifying they are a victim of domestic violence, sexual violence, gender violence, or any other crime of violence. VESSA requests, applications, and any supporting documentation are confidential; except as required by applicable federal or State law, or as permitted by the employee in writing.

In addition to completing the VESSA application, if the employee is in possession of any of the below listed documentation, they shall provide it along with the VESSA application:

- Documentation from the employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, gender violence, or any other crime of violence, and the effects of the violence; or
- a police, court, or military record; or

- a death certificate, published obituary, or written verification of death, curial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence; or
- other corroborating evidence.

The employee shall choose which document to submit. If an employee has more than one of the above, they are not required to provide more than one. Additionally, the employee is not required to submit additional documents if requesting a second leave related to the same incident(s) or perpetrator(s) of violence.

Such documents shall be submitted to their human resources representative in the unit/college, their university human resources office, UI Health human resources, or system human resources office, as requested. Units may seek assistance from their university or System human resources office regarding the acceptability of the certification provided. Any expenses associated with obtaining the certification shall be the responsibility of the employee. An employee may be required to obtain subsequent recertifications on a reasonable basis, but no more than once every thirty (30) days.

If the supervisor learns that the leave is being taken for a VESSA eligible reason, the supervisor may designate the leave as counting toward the twelve (12) week entitlement. Supervisors should notify the employee within five business days (absent extenuating circumstances) that the leave is being counted towards VESSA leave. If the notice is verbal, it shall be confirmed in writing, no later than the following payday (unless payday is less than one week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Units are responsible for maintaining confidential files for all leave requests, certifications and documentation associated with VESSA. These records must be kept separate from employee personnel files, and retained in confidence except to the extent that disclosure is requested and consented to in writing by the employee or required by state/federal law.

Returning from Leave

Ordinarily, an employee who has been absent for VESSA leave shall be restored to the position held by the employee when the leave commenced; or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. If the University of Illinois would not otherwise have employed the employee at the time reinstatement is requested, the University of Illinois may deny restoration to employment.

A returning employee shall be entitled to certain rights and benefits, e.g., salary adjustments and fringe benefit enhancements, to which the employee would have been entitled had they not taken the leave.

An employee on leave may be required to report periodically to the supervisor or designated representative on their status and intention to return to work.

Civil Service Staff employees returning from VESSA Leave are expected to contact employing departments at least thirty (30) calendar days in advance of the anticipated date of return from leave, in order to permit departments to plan for reinstatement.

An employee who has been absent for medical reasons may be required to obtain a statement from a health care provider that the employee is able to resume work, in accordance with University policies. The unit must provide notice to the employee at the time the leave is approved that a certification that they are able to return to work will be required. If the certification will include analysis of the employee's ability to perform essential functions of their job, a list of the essential functions must be provided to the employee with the VESSA/FMLA designation notice.

Benefits Continuation

Health Insurance Information if VESSA is Unpaid: Coverage of group health and dental insurance shall be continued by the University of Illinois at the same level that coverage would have been provided if the employee had remained in employment continuously. Employees are responsible for paying the employee-paid portion of their health insurance premiums, as well as dependent coverage premiums. If the employee does not make required payments during the leave period, the CMS-Group Insurance Division (GID) will terminate the member's coverage the first day of the current month. These members are ineligible to continue coverage under COBRA and will not receive a COBRA notification letter (eligible or ineligible). CMS will take action to collect all outstanding premium(s), which may include involuntary withholding. Employees are to contact the Benefits Service Center for information on changes in status and to arrange for billing prior to their last day of work.

Extension of Other Insurance Coverage: An employee may continue insurance coverage in excess of the University of Illinois' contribution by contacting the Benefits Center prior to the last day of paid employment to make arrangements for premium payments.

State Universities Retirement System Benefits: To determine the effect of leave on the accumulation of service time for retirement and to assure continuation of contributions, the employee should contact the State Universities Retirement System (SURS).

Disability Benefits: In the case of an extended disability due to a serious health condition, an employee may qualify for disability benefits through the State Universities Retirement System (SURS). Employees may request an Application for Disability Benefits from their university or system human resources office. Leave for disability or pending disability counts towards the twelve (12) week VESSA entitlement.

Recovery of Premiums: The University of Illinois may recover the premiums paid for maintaining coverage for the employee if the employee fails to return from leave for a reason other than continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, any other crime of violence, or other circumstances beyond the employee's control. The human resources representative in the unit/college, their university human resources office, UI Health human resources, or system human resources office may require an employee who is unable to return to work because of the continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, any other

crime of violence, to provide, within a reasonable period, certification that they are unable to return to work. Such certification requirements are the same as for the original leave.

Accrual of Vacation and Sick Leave: While on unpaid leave under the terms of this Act, an employee will not accrue additional vacation, sick leave, or Paid Leave for All Workers (PLFA) (if on the accrual method).

Seniority: Civil Service Staff employees will continue to accumulate seniority in accordance with State Universities Civil Service System Statute and Rules 250.120 while on unpaid VESSA Leave.

Compensation

Employees have the option to take VESSA leave with or without pay. An employee may request to use accrued vacation and/or sick leave (sick leave may only be used for medical reasons in accordance with the university sick leave policy). Any portion of the twelve (12) week period for which accrued leave is not charged shall be without pay, and also counted toward the twelve (12) week entitlement.

For care of a family member with a serious health condition or injury or for the employee's serious health condition or injury (VESSA/FMLA), leave is provided under the terms and conditions of University of Illinois sick leave policies. Sick leave used for this purpose will be counted toward the twelve (12) week entitlement (or any part thereof).

In addition, employees who exhaust their accrued sick leave balances may be eligible to receive disability benefits through the State Universities Retirement System (SURS). Employees who anticipate requiring an extended period of leave should contact the State Universities Retirement System (SURS) at the same time they apply for use of VESSA/FMLA leave for medical reasons for information concerning benefits eligibility and to minimize any gaps in benefits.

Extension of Leave Beyond Twelve (12) Weeks

Benefits under the VESSA policy expire after twelve (12) weeks of usage. An employee seeking approval of an extension of leave beyond the twelve (12) week VESSA entitlement shall present a written request to their human resources representative in the unit/college, their university human resources office, UI Health human resources, or system human resources office, as requested, which shall be acted upon pursuant to departmental procedures and in accordance with University of Illinois policies related to leaves of absence.

Nondiscrimination

The University of Illinois will not discriminate or otherwise harass or retaliate against any employee with respect to the compensation, terms, conditions or privileges of employment because the individual is or is perceived to be a victim of domestic violence, sexual violence, gender violence, or any other crime of violence; attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic violence, sexual violence, gender violence, or any other crime of violence of which the individual or a family or household member was a victim; or requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating

assignment, installation of a lock, or implementation of a safety procedure, or assistance in documenting domestic violence, sexual violence, gender violence, or any other crime of violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence, sexual violence, gender violence, or any other crime of violence; or the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic violence, sexual violence, gender violence, or any other crime of violence against the individual or the individual's family or household member.

Reasonable Accommodation

Within the provisions of VESSA, a reasonable accommodation will be made for a qualified employee or applicant when there are limitations resulting from circumstances that relate to being a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or a family or household member being a victim of domestic violence, sexual violence, gender violence, or any other crime of violence.

A reasonable accommodation must be made in a timely fashion. Any exigent circumstances or danger facing the employee or their family or household member shall be considered in determining whether the accommodation is reasonable.

Questions

Employees should discuss questions or disagreements about an active VESSA leave with university or system human resources who will provide assistance to both the employee and the unit.

Interpretation of specific requirements of the Illinois Victims Economic Security and Safety Act policy is subject to provisions contained in the full text of the Act. Questions regarding the provisions of VESSA and the Illinois Department of Labor Regulations for its implementation should be directed to university or system human resources.